

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-22523-CIV-MOORE

KENNY ORTEGA,

Plaintiff,

v.

MIAMI-DADE COUNTY, *et al.*,

Defendants.

MIAMI-DADE COUNTY'S RESPONSE TO PLAINTIFF'S MOTION TO WITHDRAW

Defendant Miami-Dade County hereby submits a limited response to Plaintiff's Motion to Withdraw ("Motion") [ECF No. 62].

Despite Plaintiff's counsel's fervent insistence to lift the stay and advance this case, now it appears Ortega has abandoned the litigation. According to Plaintiff's counsel, Ortega is not responding to any request to set his deposition, complete discovery, and does not wish to participate in this litigation. *See id.* ¶ 2. That may be true, but the parties are still bound by the Court's Order Scheduling Trial, which includes discovery deadlines. To that end, the County has already served written discovery requests on Ortega, and his responses were due this month. Likewise, the County has been trying to schedule Ortega for deposition, to no avail. The County's inability to confirm a date for Ortega's deposition is part of another discovery dispute related to his initial disclosures, all of which is scheduled for a hearing before Magistrate Judge Elfenbein on July 22, 2025. *See* [ECF No. 59]. Ortega's discovery obligations do not vanish simply because he has now decided to walk away from this lawsuit.

In sum, the County does not oppose Plaintiff's counsel's motion to withdraw. However, if the Court should grant the Motion, the County requests that Ortega be given seven (7) days from the date of the Court's ruling on the motion to withdraw by which to: (1) file a notice of intent to proceed *pro se* as well as a Notice of Current Address, compliant with S.D. Fla. L.R. 11.1(g), or (2) retain new counsel who shall file a notice of appearance within that timeframe. Failure to comply with the Court's order to that effect should result in dismissal of this case without further warning.

Dated: July 21, 2025

Respectfully Submitted,

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